

AMHERST TOWN WARRANT

**The State of New Hampshire
March 8, 2005**

Polls will be open from 6:00 a.m. to 8:00 p.m. at Souhegan High School

To the inhabitants of the Town of Amherst in the County of Hillsborough and State of New Hampshire, qualified to vote in Town affairs:

You are hereby notified that the Annual Meeting of the Town of Amherst will be held, in accordance with "Senate Bill 2" (NH RSA 40:13). The first session, to transact all business other than voting, is on Wednesday, February 9, 2005 at 7:00 p.m. at the Souhegan High School Auditorium. The second session, voting by official ballot at the polls is on Tuesday, March 8, 2005 at the Souhegan High School from 6:00 a.m. to 8:00 p.m.

Article 1. To choose all necessary Town Officers for the ensuing terms as follows:

- 1 Selectman for 3 Years
- 1 Town Clerk for 3 Years
- 2 Library Trustees for 3 Years
- 2 Zoning Board of Adjustment Members for 3 Years
- 1 Trustee of the Trust Funds for 3 Years
- 1 Cemetery Trustee for 3 Years
- 1 Checklist Supervisor for 1 Year

Article 2: (Open Space Land Bond) To see if the Town will raise and appropriate, the sum of five million five hundred thousand dollars (\$5,500,000) for the purchase of open space lands or other property interests and to authorize the issuance of not more than \$5,500,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon; furthermore, to authorize the Selectmen to acquire said property exercising their authority under RSA 41:14-a, including the requirement for at least two (2) public hearings prior to binding the town to any such purchase, and, further, that the amount raised and appropriated herein may be used to defray the costs attributable to due diligence inspections, title search charges, closing costs and other similar charges associated with any such acquisition. These funds may only be expended to meet conservation and passive recreation needs, except that an amount no greater than 15 percent (or \$825,000) of said \$5,500,000 may be expended to acquire open space lands to meet active recreation needs, if suitable parcels become available, The authorization to borrow provided hereunder shall not lapse until five (5) years from the date of the passage of this article. 3/5 Ballot Vote Required.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 7 to 0.)

Estimated Tax Increase: Up to 44 cents per thousand (20 year bond).

Article 3: (Baboosic Lake Bond) To see if the Town will vote to raise and appropriate the sum of three hundred sixty five thousand three hundred twenty two dollars (\$365,322) to construct Phase I of the Baboosic Lake Community Septic System, one hundred fifty nine thousand nine hundred ninety three (159,993) will be provided by a New Hampshire Department of Environmental Services Watershed Restoration Grant, \$73,064 or 20% is to be provided from the State of New Hampshire State Aid Grant and to authorize the issuance of bonds or notes of not more than \$132,265 in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon and a term not to exceed ten (10) years. No dollars will be raised through taxation and any cost associated with this project will be assessed in accordance with RSA 149:1-7. 3/5 Ballot Vote Required.

(By a vote of 4-0-1 the Selectmen recommend a yes vote. Ways and Means supports this article by a vote of 6 to 0.)

Estimated Tax Increase: No Tax Increase, borne by users on the system.

Article 4: (Tanker Replacement Bond) To see if the Town will vote to raise and appropriate the sum of Three Hundred Thousand and 00/100 (\$300,000) Dollars, to purchase a Fire Department Tanker Truck and to authorize the issuance of not more than \$300,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon; payable over a term of ten years. (3/5 ballot vote required)

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 6 to 0.)

Estimated Tax Increase: 3 cents per Thousand

Article 5: (Fire Department Capital Reserve) In the event that the Town fails to approve Article 4, above, (Tanker Replacement Bond), to see if the Town will raise and appropriate the sum One Hundred Thousand and 00/100 (\$100,000), Dollars, to be placed into the existing Fire Apparatus Fund Capital Reserve Account.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 4 to 0.)

Estimated Tax Increase: 8 cents per Thousand

Article 6: (Operating Budget) To see if the Town will raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth herein, totaling \$7,677,763. Should this article be defeated, the operating budget shall be \$7,420,915.28 which is the same as last year, with certain adjustments required by previous action of the Town or by law, the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. This article does not include any other appropriation.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 6 to 0.)

Estimated Tax Increase: 10 cents per thousand.

Article 7: (DPW Union) To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Selectmen and the Teamster's Union (**Department of Public Works Union**) and further to raise and appropriate the sum of \$50,775 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at current staffing levels paid in the prior fiscal year.

FY 07 Estimated Increase \$53,000

(By a vote of 4-0-1 the Selectmen recommend a yes vote. Ways and Means supports this article by a vote of 6 to 0.)

Estimated Tax Increase: 4 cents per thousand.

Article 8: (Police Union) To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Selectmen and the American Federation of State, County & Municipal Employees Union (**Police Union**) and further to raise and appropriate the sum of \$77,635 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits over those of the appropriation at current staffing levels paid in the prior fiscal year.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 6 to 0.)

Estimated Tax Increase: 6 cents per thousand.

Article 9: (Town Hall First Floor Office Renovation) To see if the Town will raise and appropriate the sum of one hundred sixty thousand dollars (\$160,000) for the continuing reconstruction of the Amherst Town Hall to include interior structural and office improvements and fixtures. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the project is completed or by June 30, 2007, whichever is sooner.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 6 to 0.)

Estimated Tax Increase: 12 cents per thousand.

Article 10: (Capital Reserve Fire/Brush Truck Purchase) To see if the Town will appropriate the sum of Forty Three thousand five hundred dollars (\$43,500) for the purpose of purchasing a pickup/brush fire fighting vehicle for the Fire Department and authorize the withdrawal from the Capital Reserves Fire Apparatus Fund established for this purpose.

(By a vote of 4-1 the Selectmen recommend a yes vote. Ways and Means supports this article by a vote of 7 to 0.)

Estimated Tax Increase: No Additional Tax Increase, funds in Capital Reserve.

Article 11: (Capital Reserve DPW Truck Purchase) To see if the Town will appropriate the sum of seventy three thousand dollars (\$73,000) for the purpose of purchasing a one-ton four season truck replacing a three-quarter ton pickup truck for the Department of Public Works and authorize the withdrawal from the Capital Reserve Highway Vehicle Fund established for this purpose.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 7 to 0.)

Estimated Tax Increase: No Additional Tax Increase, funds in Capital Reserve.

Article 12: (Repair and Replace DPW tank apron and pumps) To see if the Town will raise and appropriate the sum of sixty one thousand two hundred dollars (\$61,200) to be used to replace the concrete apron protecting the underground fuel storage tanks located at the Highway Department and to replace the thirty-year old gasoline and diesel dispensing pumps at the same location.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 7 to 0.)

Estimated Tax Increase: 5 cents per thousand.

Article 13: (Landfill Improvements) To see if the Town will raise and appropriate the sum of Two Hundred Forty Five Thousand Dollars (\$245,000), (Gross Budget), to be used to construct an exit on Route 101, and construct a new drop-off and collection area. One Hundred Forty Five Thousand and 00/100 (\$145,000) Dollars to be raised by general taxation and the additional amount of One Hundred Thousand and 00/100 (\$100,000) Dollars to be contributed by the Souhegan Regional Landfill District.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 6 to 0.)

Estimated Tax Increase: 11 cents per thousand.

Article 14: (Baboosic Lake Dock Replacement) To see if the Town will raise and appropriate the sum of twenty one thousand dollars (\$21,000) to be used to replace wooden docks with aluminum ones at Baboosic Lake Park.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 4 to 2.)

Estimated Tax Increase: 2 cents per thousand.

Article 15: (Home Health & Hospice Care Request) To see if the Town will vote to raise and appropriate ten thousand one hundred six dollars (\$10,106) to support Home Health & Hospice Care to allow them to continue to provide free care to residents of Amherst.

(The Selectmen unanimously recommend a yes vote. Ways and Means supports this article by a vote of 7 to 0.)

Estimated Tax Increase: 1 cent per thousand.

Article 16: (Highland Drive Downgrade) - To see if the Town will vote to downgrade the legal status of the portion of Highland Drive constituting the **cul-de-sac** and in accordance with the plan titled "Turnaround Section A-A Job # 03-0267", by CLD Engineering to the extent that the same constitutes frontage on Map/Lot 8-81-13 through Map/Lot 8-90-2 from a Class V road to a Class VI non Town-maintained road, under the provisions of RSA 231:45.

(By a vote of 4-1 the Selectmen recommend a yes vote.)

Estimated Tax Increase: No Tax Impact.

Article 17: (Discontinue Washer Cove Road Section) To see if the Town, pursuant to RSA 231:43, (I), will vote to discontinue and abandon, that portion of Washer Cove Road between Clark Avenue and the southwesterly corner of Map/Lot 25-25, so that all public servitude of said portion of road is terminated and title to the centerline reverts to the prior owners, or their successors, in order to facilitate the construction of the Baboosic Lake Community Septic System on Map/Lot 25-12 and Map/Lot 25-26.

(By a vote of 4-0-1 the Selectmen recommend a yes vote.)

Estimated Tax Increase: No Tax Impact.

PROPOSED ZONING CHANGES

"Renumbered for Placement on Single Town Ballot"

Article 18 (ZA No. 1): ARTICLE IV, Section 4-3, Residential / Rural Zone, C. Yard Requirements:

CHANGE: 2. Each structure shall be set back at least fifteen (15) feet from the side and rear property lines. In the case of corner property, this distance shall be increased to ~~thirty (30)~~ **fifty (50)** feet on that side bordering a street, lane, or public way. (3-12-63)

CHANGE: 3. Any accessory buildings shall be set back at least fifteen (15) feet from side and rear lot lines and at least ~~thirty (30)~~ **fifty (50)** feet from the front lot line and not exceed twenty-two (22) feet in height. The height requirement may be waived for farm structures. (3-12-63) 3-10-87

Article 19 (ZA No. 2): ARTICLE IV, Section 4-3, Residential / Rural Zone, C. Yard Requirements:

CHANGE: 2. **Except in the Historical District,** Each structure shall be set back at least ~~fifteen (15)~~ **twenty-five (25)** feet from the side and rear property

lines. In the case of corner property, this distance shall be increased to ~~thirty (30)~~ **fifty (50)** feet on that side bordering a street, lane, or public way. (3-12-63)

CHANGE: 3. Any accessory buildings shall be set back at least ~~fifteen (15)~~ **twenty (20)** feet from side and rear lot lines and at least ~~thirty (30)~~ **fifty (50)** feet from the front lot line and not exceed twenty-two (22) feet in height. The height requirement may be waived for farm structures. (3-12-63) 3-10-87

ADD: **4. In the Historic District, a new structure shall be at least twenty (20) feet from the side and rear property lines or no closer than twenty-five (25) feet from the principal structure on any abutting lot, whichever is greater.**

Article 20 (ZA No. 3): ARTICLE IV, Section 4-5, Northern Rural Zone, C. Yard Requirements:

CHANGE: 2. Each structure shall be set back at least ~~thirty (30)~~ **forty (40)** feet from the side and rear lot lines. In the case of corner property, this distance shall be increased to fifty (50) feet on that side bordering a street, lane or public way.

Article 21 (ZA No. 4): ARTICLE IV, Section 4-17, Northern Transition Zone, C. Yard Requirements:

CHANGE: 2. Each structure shall be set back at least ~~thirty (30)~~ **forty (40)** feet from the side and rear lot lines. In the case of corner property, this distance shall be increased to fifty (50) feet on that side bordering a street, lane or public way.

Article 22 (ZA No. 5): ARTICLE VIII, Section 8-5, Affordable Housing
LOT SIZE, DENSITY, SETBACKS, AND OPEN SPACE

ADD: 3. Setbacks shall be sufficient to buffer and protect adjacent properties and the street from encroachment. **At a minimum there shall be a fifty (50) foot setback from the property line around the perimeter of the property.**

Article 23 (ZA No. 6): ARTICLE IX, Section 9-1, Meaning of Certain Words,
Planned Residential Development
OTHER PROVISIONS:

ADD: If lots are to be created within the PRD, then such individual lots shall be a minimum of 3/4 acres if on-site well and septic system are to be provided, or 1/2 acre if water is to be provided by off-site water supply system. Each PRD shall be subject to the Subdivision Regulations. Where there are differences between the PRD requirements and the Subdivision Regulations, the requirements of the PRD shall prevail. All other regulations and restrictions not specifically mentioned in this Ordinance shall be those of the Zone in which the PRD is located. (11-2-82) 3-13-90 3-10-98

At a minimum there shall be a fifty (50) foot setback from the property line around the perimeter of the property.

Article 24 (ZA No. 8): Article VI, Section 6-3 Board of Adjustment B.
Organization

CHANGE: 4. In the case of death or resignation of a member of the Board of Adjustment, the moderator, with the approval of the Board of Selectmen, shall appoint an interim member to serve on the Board of Adjustment until the next following Town Meeting, at which Town Meeting a member will be elected as in B-2 to serve the balance of the unexpired term of the member who has become deceased or resigned. 3-5-74 (3-11-97)

Vacancies in the board occurring other than through the expiration of a term, shall be filled in accordance with RSA 673:12.

DELETE: 5. Each member of the Board shall hold office until his successor is qualified, — unless sooner removed. 3-12-63 (3-11-97)

CHANGE: H. Appeal from Order of the Board of Adjustment
Within twenty (20) **thirty (30)** days after any order or decision handed down by the Board of Adjustment, any party to the action or proceedings of the Board of Adjustment, or any person directly affected thereby, may move for a re-hearing and thereafter, if necessary, appeal by petition to the Superior Court in accordance with the provisions of the laws of the State of New Hampshire and may pursue such remedies as are therein provided for said party. 3-12-63

Article 25 (ZA No. 9): ARTICLE VI, ADMINISTRATION, Section 6-2,
Paragraph A. Building Permits:

ADD: 3. A foundation plan plot plan shall be required prior to backfill of the foundation. **Foundations shall include: poured concrete walls, concrete block or stone walls, poured concrete monolithic slabs, and pole barn piers or similar type permanent supports. This shall not apply to structures that are set on semi-permanent bases – such as concrete or stone pier blocks or pressure treated wood blocks.** This foundation plan shall be done by a Licensed Land Surveyor and shall certify that the foundation meets all the setback regulations in the zone in which it is located. (3.9.99)

Article 26 (ZA No. 10): ARTICLE III, GENERAL ZONING PROVISIONS,
Section 3-12, Farming:

ADD: **Agricultural operations and Equestrian operations shall be conducted in accordance with the MANUAL OF BEST MANAGEMENT PRACTICES (BMP) FOR AGRICULTURE IN NEW HAMPSHIRE published by the New Hampshire Department of Agriculture, Markets, and Food.**

Article 27 (ZA No. 11): ARTICLE III, GENERAL ZONING PROVISIONS,
Section 3-17, Equestrian Facilities and Events, 3.0 OTHER PROVISIONS:

ADD: 3.5 Agricultural operations and Equestrian operations shall be conducted in accordance with the MANUAL OF BEST MANAGEMENT PRACTICES (BMP) FOR AGRICULTURE IN NEW HAMPSHIRE published by the New Hampshire Department of Agriculture, Markets, and Food.

Given under our hands and seal this 24th day of January 2005

Robert Heaton
John F. Dinkel, Jr.
Bruce Bowler
George Infanti
Marilyn Peterman

A true copy of warrant – ATTEST

Robert Heaton
John F. Dinkel, Jr.
Bruce Bowler
George Infanti
Marilyn Peterman